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E-filed 10/5/05

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9 Attorneys for Plaintiff

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 SAN JOSE VENUE

13 UNITED STATES OF AMERICA,

14 Plaintiff,

15 v.

16 \$82,464.18 IN NET PROCEEDS FROM
17 THE SALE OF 1489 HARRIET AVENUE,
18 CAMPBELL, CALIFORNIA,

19 Defendant.

No. C 02-5105 JF

**STIPULATION AND [PROPOSED] ORDER
TO EXTEND STAY AND CONTINUE
CASE MANAGEMENT CONFERENCE**

Date: October 7, 2005
Time: 10:30 a.m.
Place: Hon. Jeremy Fogel

21 IT IS HEREBY STIPULATED by and between plaintiff United States of America and claimants
22 Michael and Jessica Costa, through undersigned counsel, that this Court enter a further Order staying this
23 action, pursuant to 21 U.S.C. § 881(i). Claimants are defendants in United States v. Michael Costa, et
24 al., CR 02-20059 JF. The allegations in the forfeiture complaint are based, in large part, on the
25 allegations at issue in the pending criminal action. Consequently, the parties agree that a stay in the
26 forfeiture proceeding is appropriate in order to preserve each claimant's right against self-incrimination
27 in the related criminal matter. The parties are advised that the criminal case is set for trial on January 6,
28 2006. Thus, the factual predicate for the initial request for the stay has not changed since the criminal

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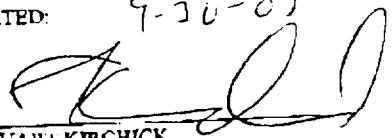
P.03/03

case is ongoing. Accordingly, the parties in this proceeding request that the Case Management Conference, currently scheduled for October 7, 2005, be vacated and that the matter be continued until December 16, 2005, or as soon thereafter as this Court may hear the matter.

DATED: 9/30/05

DATED: 9-30-05


STEPHANIE M. HINDS
Assistant United States Attorney


STUART KIRCHICK
Attorney for Claimants Michael and Jessica Costa

IT IS HEREBY ORDERED:

Upon the stipulation of counsel, and good cause appearing, the above-captioned civil forfeiture action is stayed in light of the pending related criminal prosecution of claimants Michael and Jessica Costa. The case management conference currently scheduled for October 7, 2005, is vacated. The matter is continued until 1/13/06 for further status.

DATED: 10/4/05

/s/electronic signature authorized
JEREMY FOGEL
United States District Judge

STIPULATION AND ORDER RE STAY
CONTINUING IF

TOTAL P.03

CERTIFICATE OF SERVICE

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she caused a copy of **STIPULATION AND [PROPOSED] ORDER TO EXTEND STAY AND CONTINUE CASE MANAGEMENT CONFERENCE** to be served this date by electronic mail delivery upon the person(s) below at the place(s) and address(es) which is the last known address(es):

Stuart D. Kirchick
2131 The Alameda, Suite C-1
San Jose, CA 95126

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 30th day of September, 2004, at San Francisco, California.



ALICIA CHIN
Paralegal/ AFU